

United States District Court**EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA

vs.

JASON GAMMILL

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§Case No. 4:05cr198
(Judge Schneider)**REPORT AND RECOMMENDATION**
OF UNITED STATES MAGISTRATE JUDGE

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on November 15, 2011, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Heather Rattan.

On July 18, 2006, Defendant was sentenced by the Honorable Ron Clark to seventy (70) months' custody followed by sixty (60) months of supervised release for the offense of Conspiracy to Manufacture, Distribute or Dispense Methamphetamine. On December 13, 2010, Defendant completed his period of imprisonment and began service of his supervised term.

On October 4, 2011, the U. S. Pretrial Services Officer executed a Petition for Warrant for Offender Under Supervision. The petition also alleged violation of the following standard condition: (1) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer. The petition also alleged violations of the following special conditions: (1) Under the guidance and direction of the U.S. Probation Office, the defendant shall participate in any combination of psychiatric, psychological, or mental health treatment as deemed appropriate by the treatment provider; and (2) the defendant shall participate in a program of testing and treatment for drug abuse, under the guidance and direction of the U.S. Probation

Office, until such time as the defendant is released from the program by the probation officer. The Government dismissed the mandatory allegation.

Prior to the Government putting on its case, Defendant entered a plea of true to all of the remaining violations. The Court recommends that Defendant's supervised release be revoked.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of eleven (11) months with no supervised release to follow. It is also recommended that Defendant be housed in the Bureau of Prisons, Seagoville Unit.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

SIGNED this 21st day of November, 2011.



AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE